
PERFORMANCE AGREEMENT

BETWEEN



THE SECRETARY OF ENERGY
FEDERICO PEÑA

AND

EH

**THE ACTING ASSISTANT SECRETARY FOR ENVIRONMENT,
SAFETY AND HEALTH**
PETER N. BRUSH

FISCAL YEAR 1998

OFFICE OF ENVIRONMENT, SAFETY, AND HEALTH

The Office of Environment, Safety and Health (EH) has undertaken an extensive effort to develop this performance agreement for the environment, safety, and health program for fiscal year (FY) 1998. This effort began with an EH Strategic Plan that provided the mission statement, vision statement, strategic goals and objectives which linked to the Department of Energy's Strategic Plan.

The FY 1997 accomplishments include:

Incorporated strong and effective safety management systems provisions in FNE management and operation contracts to protect environment, safety, and health.

Implemented enhanced work planning at major DOE sites by involving approximately a third of the DOE workers in more effective work planning and hazard identification.

Completed six assessments, which will establish the basis for a more comprehensive program of medical followup of former workers.

Completed value-added, comprehensive oversight evaluations, focusing on environment, safety, and health management systems at four DOE sites.

Monitored and reported on ES&H expenditures and improved related internal controls.

Issued guidance on National Environmental Policy Act contracting reform and on the use of the DOE-wide National Environmental Policy Act contracts for document preparation.

Provided quality review and technical assistance for 10 major environmental impact statements.

The Mission of the Department of Energy is:

To foster a secure and reliable energy system that is environmentally and economically sustainable, to be good and careful stewards of the Nation's nuclear weapons and of the cleanup of our own facilities, and to ensure that the United States retains its leadership in science and technology.

The Mission of the Office of Environment, Safety, and Health is:

To develop innovative, unique, and cost-effective approaches for the protection of Department of Energy workers, the public, and the environment.

To implement EH's mission, the budget for FY 1998 is \$160,050,000 and staffing is 363 full-time equivalent (FTE) employees.

EH's Performance Agreement for FY 1998

To implement our mission,

the EH Office developed this agreement. Alignment with the Department's Strategic Plan and the Secretary's Performance Agreement with the President is ensured by

incorporating the commitments for which EH is responsible that are found in those documents. Additional commitments made to the Secretary by the EH Office are also included in this document.

EH Office Organization and Resources	FY 1998 Budget	FTEs
EH-1: Assistant Secretary for Environment, Safety and Health	\$ 0	9
EH-2: Deputy Assistant Secretary for Oversight	\$12,440,000	82
EH-3: Deputy Assistant Secretary for Nuclear and Facility Safety	\$ 7,931,000	56
EH-4: Deputy Assistant Secretary for Environment	\$ 6,113,000	60
EH-5: Deputy Assistant Secretary for Worker Health and Safety	\$10,400,000	70
EH-6: Deputy Assistant Secretary for Health Studies	\$59,985,000	32
EH-7: Deputy Assistant Secretary for Planning and Administration (Includes salary costs for all EH organizations)	\$61,606,000	42
EH-10: Office of Enforcement	\$ 975,000	7
S3.1: Office of the Departmental Representative to the Defense Nuclear Facilities Safety Board	\$ 600,000	5
Adjustments:	\$ 0	0
Total Budget for EH:	\$160,050,000	*363

* Strategic Alignment allotment for FY 1998

The following sections describe the EH Office's performance plan for each of its business lines and for its corporate management activities. The symbol "●" marks measures from the Strategic Plan and the Secretary's Performance Agreement with the President for FY 1998. The symbol "✚" indicates measures that directly support the measures in the Strategic plan.

OUR COMMITMENTS

CM-1 Ensure the safety and health of the DOE workforce and members of the public, and the protection of the environment in all Departmental activities.

This office provides the overall policy, technical assistance and oversight for the Department's ES&H activities. (ES&H)

Strategy 1: Integrate and embed sound environment, safety, and health management practices into the performance of DOE's day-to-day work.

Prevent Fatalities

- *Prevent fatalities, serious accidents, and hazardous environmental releases at Departmental sites.*
- ✚ Provide to DOE management and field elements periodic information and analyses of performance data and operating experiences. (EH-3)
- ✚ Analyze mid-year operating experience statistics for fatalities, serious accidents, and hazardous environmental releases. (EH-3)
- ✚ Through independent oversight provide information and analysis of the effectiveness, vulnerabilities, and trends of the Department's ES&H and safeguards and security policies and programs to the Secretary and senior line management. (EH-2)

Integrated Safety Management

- *Assist and oversee implementation of integrated safety management systems at DOE's 10 priority facilities and in all major management and operating contracts in FY 1999. (EH-1)*

✚ Assist and oversee implementation of integrated management systems at all 10 high priority sites. (EH-1)

✚ Support the development of Departmental policies and guidance on integrated safety management and assist the field in their interpretation. (EH-3/5)

Roles and Responsibilities

- *Clarify ES&H roles and responsibilities through the issuance of Functions, Responsibilities, and Authorities Manuals for the Secretarial Officers and for the Department's sites associated with the 10 priority facilities by October 1997. The remaining Secretarial Officers and all appropriate sites will issue safety management roles and responsibilities documents by July 1998. (EH-1)*
- ✚ Issue phase one Functions, Responsibilities, and Authorities Manuals. (EH-1)
- ✚ Issue first draft of the safety management roles and responsibilities documents. (EH-1/3)
- ✚ Assure implementation at 75 percent of DOE sites. (EH-1)

EH's Performance Agreement for FY 1998

Enforcement

- ✦ Conduct approximately 10 full field investigations resulting in formal enforcement actions involving Notices of Violation related to Price-Anderson. (EH-10)

Environmental Policy

- ✦ Develop Departmental positions on emerging environmental and public protection rule makings under the Resource Conservation and Recovery Act; Clean Air Act; Safe Drinking Water Act; Comprehensive Environmental Response, Compensation and Liability Act. (EH-4)
- ✦ Provide quality review and technical assistance for approximately 15 major environmental impact statements. (EH-4)
- ✦ Develop DOE policies and positions to implement the Administration's Clean Water Action Plan to renew and enhance the nation's commitments to clean water. (EH-4)
- ✦ Represent the Department and its positions on environmental standards with interagency and international workgroups, committees, and organizations. (EH-4)
- ✦ Publish a guidance document that includes information for communicating health risks relating to environmental justice and the Comprehensive Environmental Response, Compensation and Liability Act. (EH-4)
- ✦ Publish guidance documents to assist Headquarters and field elements with compliant and cost-effective implementation of environmental and public protection requirements, including hazardous waste management and hazardous substance release response requirements. (EH-4)

- ✦ Issue four National Environmental Policy Act guidance documents. (EH-4)

- ✦ Chair the Natural Resource Trustee Coordinators Steering Committee which works with Headquarters and field elements on incorporating natural resources protection and damage mitigation issues into Departmental programs and operations. (EH-4)

Corporate ES&H Direction and Assistance to the Field

- ✦ Provide line program support and assistance as necessary in terms of workforce safety models for enhanced work planning and self-assessment, policy interpretation, and engineering and nuclear safety support. (EH-3/5)
- ✦ Conduct three safety and health assessments for management excellence under the Department's Voluntary Protection Program. (EH-5)
- ✦ Conduct collaborative self-assessment of DOE Federal employee safety with four DOE organizational elements. (EH-5)
- ✦ Lead resolution of safety and management issues with the Defense Nuclear Facilities Safety Board such that all outstanding implementation plan actions for at least three Board recommendations are completed. (S 3.1)
- ✦ Provide corporate-level programmatic evaluation and assistance to the Federal employee occupational safety and health (FEOSH) program at four DOE sites representing a broad cross-section of DOE field activities. (EH-5)

EH's Performance Agreement for FY 1998

✦ Promote a minimum of 50 percent worker involvement in self-assessment initiatives at five DOE pilot facilities. (EH-5)

Beryllium Exposure

✦ Publish the Notice of proposed rulemaking for the Department's chronic beryllium disease prevention program. (EH-5)

✦ Conduct a lessons learned/best practice workshop for DOE operations/field offices and contractors to facilitate responsible and efficient implementation of DOE Notice 440.1, Interim Chronic Beryllium Disease Prevention Program. (EH-5/6)

✦ Continue to survey current and former workers for sensitivity to exposure to beryllium and the presence of chronic beryllium disease and establish a complex-wide beryllium registry program. (EH-6)

Medical Surveillance

✦ Survey selected former workers and workplace hazards pursuant to Public Law 102-484, Section 3162, to examine possible links between hazardous substances and exposures during work and their adverse health effects. (EH-6)

✦ Complete an additional four needs assessments for establishing the basis for a more detailed program of medical followup and, at six sites, begin to implement a medical surveillance program for former workers. (EH-6)

✦ Through a pilot linkup with the Y-12 site, demonstrate capability of the relational software developed as part of the Medical Surveillance Information System to allow DOE occupational medicine staff (and other Headquarters and site health professionals) to

look at worker cohorts and analyze sitewide and complex-wide worker health trends. (EH-6)

✦ Expand the current ten-site illness and injury surveillance program for current workers to include the Oak Ridge Reservation. (EH-6)

✦ Continue support of health impact analyses of Russian workers and communities exposed to relatively high radiation levels as a basis for validating current U.S. and DOE radiation protection standards and procedures. (EH-6)

Radiation Protection

✦ Publish the amendments to 10 CFR 835, "Occupational Radiation Protection," which will result in the establishment of the world's first bioassay accreditation program, to validate the accuracy of contractor programs to determine worker internal uptakes of radioactive material. (EH-5)

✦ Implement an integrated initiative across the DOE Complex to enhance the conduct of internal radiation dosimetry programs for the protection of workers. (EH-5)

Strategy 2: Clearly identify and fund ES&H priorities and ensure that resources are appropriately spent on those priorities.

• *Report on ES&H expenditures and improve related internal controls.* (EH-7)

✦ Conduct sufficient work-scope planning and identify and fund ES&H priorities in the FY 1999 budget and annually thereafter. (EH-7)

✦ Issue guidance to Secretarial and field offices regarding identification and budgeting for ES&H activities. (EH-7)

EH's Performance Agreement for FY 1998

✦ Identify and advise the Program Secretarial Officers and the Controller's Office of major ES&H vulnerabilities present in the field budget request. (EH-7)

• *Monitor and report on ES&H expenditures and improve related internal controls on an annual basis, starting in October 1997.* (EH-7)

Strategy 3: Ensure that all DOE employees are appropriately trained and technically competent commensurate with their ES&H responsibilities. (HR's responsibility)

Strategy 4: Work with the Nuclear Regulatory Commission (NRC) and the Occupational Safety and Health Administration (OSHA) to evaluate the costs and benefits of external regulation of DOE safety and health.

• *Conduct three NRC/DOE pilot projects to assess the DOE facilities against the standards that NRC believes would be appropriate to ensure radiological safety.* (EH-4)

✦ A Memorandum of Understanding (MOU) with the NRC was executed on November 21, 1997, which establishes the framework for a pilot program on external regulation of DOE nuclear facilities by NRC. (EH-4)

✦ Revise existing memorandum of understanding with OSHA to cooperate on regulatory transition issues. (EH-5)

✦ Resolve resource issues with the Office of Management and Budget (OMB) to enable OSHA jurisdiction to be extended to all DOE privatized sites. (EH-5)

CM-2 As a good neighbor and public partner, continually work with customers and stakeholders in an open, frank, and constructive manner.

Strategy 1: Foster strong partnerships with neighboring DOE communities, regulators, and other stakeholders to determine priorities and solutions.

✦ Consider stakeholder concerns in formulating oversight evaluations. (EH-2)

✦ Provide stakeholders with the results of EH's independent oversight studies. (EH-2)

✦ Develop a coordinated health research agenda with the Department of Health and Human Services that is responsive to stakeholder and customer needs. (EH-6)

- Hold public workshops at three sites. (EH-6)

- Gather input from citizen and site-specific advisory boards at additional sites. (EH-6)

✦ Complete microfilming of the epidemiological and radiation health records associated with the Mayak Production Association in Russia. (EH-6)

✦ Award and implement a new cooperative agreement for medical care delivery in the Marshall Islands. (EH-6)

EH's Performance Agreement for FY 1998

Strategy 2: Increase customer and public awareness of DOE's mission areas by improving the quality, timeliness, frequency, and sufficiency of information disseminated on the Department's functions, successes, lessons learned, and future activities.

+ Increase public access to epidemiologic and other health-related data files by adding at least eight data file sets to DOE's public-use Comprehensive Epidemiologic Data Resource database. (EH-6)

+ Make available an additional 10,000 documents related to nuclear weapons testing in the Marshall Islands on the Internet.(EH-6)

+ Establish and maintain a database of FY 1998 access issues and problems relating to health research at DOE sites in order to provide detailed and accurate information for analyzing what kinds of access problems remain and how to solve them. (EH-6)

+ Complete the review of site epidemiological records that are prohibited from destruction because of their potential use in health studies, in order to identify those series of records that no longer need to be maintained. (EH-6)

+ Building on the openness work done for the Human Radiation Experiments Project, develop a new Web page composed of finding aids, research aids, and document collections that will facilitate access to DOE legacy records and ES&H records across the DOE complex. (EH-6)

MEASUREMENT AND MONITORING PERFORMANCE

To maintain focus and a sense of urgency, and to have a real impact on performance, there will be periodic reviews of progress, discussion of difficulties encountered, and agreement on appropriate actions. These reviews will be held between the Secretary and/or his designees and Secretarial Officer representatives and with greater frequency within the Secretarial Office. Any specific reporting requirements will be developed jointly with the Secretarial Officer.

SECRETARIAL SUPPORT


In order to accomplish the goals herein described, it is the Secretary's objective to provide visible, high-profile support for the ES&H program through out the Department.

TERMS OF AGREEMENT


This agreement is intended only to improve the internal management of the Department of Energy and is not intended to and does not create any right, benefit, trust or responsibility, substantive or procedural, enforceable by law or equity by any party against the United States, its agencies, its officers, or any other Federal official.

This agreement will remain in effect until modified. It is expected that it will be updated at least annually to reflect significant changes in budget, policy, personnel, or other factors that may effect the accomplishment of objectives.

This agreement represents our joint commitment to an Office of Environment, Safety, and Health that works better, costs less, and fulfills our sacred trust to the American People.



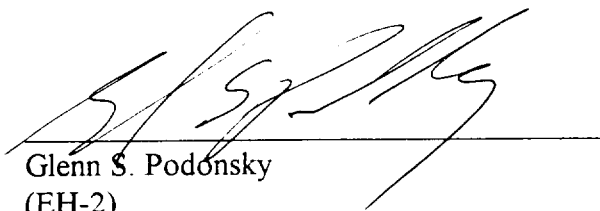
Peter N. Brush
Acting Assistant Secretary for
Environment, Safety, and Health



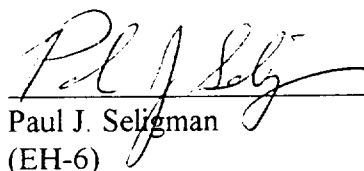
Federico Peña
Secretary of Energy

ENVIRONMENT, SAFETY, AND HEALTH MANAGERS' CONCURRENCE

We concur with the commitments made in this agreement with the Secretary, and further agree to fulfill our individual responsibilities.



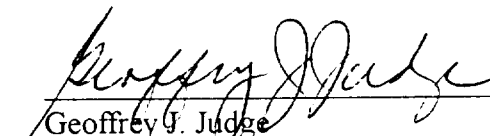
Glenn S. Podonsky
(EH-2)
Deputy Assistant Secretary
Office of Oversight



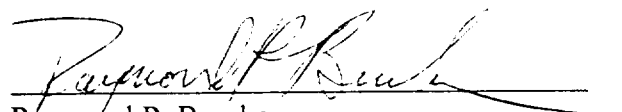
Paul J. Seligman
(EH-6)
Deputy Assistant Secretary
Office of Health Studies



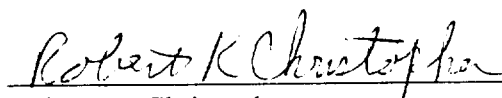
Orin F. Pearson
(EH-3)
Deputy Assistant Secretary
Office of Nuclear and Facility Safety



Geoffrey J. Judge
(EH-7)
Deputy Assistant Secretary
Office of Planning and Administration



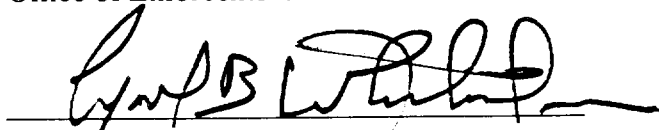
Raymond P. Berube
(EH-4)
Deputy Assistant Secretary
Office of Environment



Robert K. Christopher
(EH-10)
Director
Office of Enforcement



Joseph E. Fitzgerald Jr.
(EH-5)
Deputy Assistant Secretary
Office of Worker Health and Safety



Mark B. Whitaker Jr.
(S3.1)
Departmental Representative to the Defense
Nuclear Facilities Safety Board